

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

**IN RE JOHNSON & JOHNSON
TALCUM POWDER
PRODUCTS MARKETING,
SALES PRACTICES, AND
PRODUCTS LIABILITY
LITIGATION**

TONI CORBY,

Plaintiff,

v.

**JOHNSON & JOHNSON and
JOHNSON & JOHNSON
CONSUMER, INC.,**

Defendants.

**MDL NO. 16-2738 (FLW)
(LHG) JUDGE
MICHAEL SHIPP**

**COMPLAINT AND JURY
DEMAND**

Civil Action No.: 3:18-cv-01753

DIRECT FILED ACTION

**SUGGESTION OF DEATH AND UNOPPOSED MOTION TO SUBSTITUTE
PROPER PARTY**

Pursuant to Federal Rule of Civil Procedure 25(a), Plaintiff files this Suggestion of Death and Motion to Substitute Proper Party and respectfully submits as follows:

1. This is a product liability action brought by Plaintiff Toni Corby (“Plaintiff”). Plaintiff alleges that she was diagnosed with ovarian cancer as a result of her exposure to Johnson & Johnson (“J&J”) talcum baby powder products manufactured and marketed by Defendant Johnson & Johnson (“J&”J”) consisting of talc mined and processed by Imerys (“Imerys”).

2. On February 7, 2018, Plaintiff filed her Original Complaint and Jury Demand against Defendants in the United States District Court District of New Jersey alleging strict product liability, negligence, breach of warranty and fraud.
3. Plaintiff died on December 9, 2020. On March 7, 2023, Trudy Parrish was appointed as Special administrator of Ms. Corby's estate by the District Court of Sedgwick County, Kansas.
4. Fed. R. Civ. P. 25(a) provides that "[i]f a party dies and the claim is not extinguished, the court may order substitution of the proper party. A motion for substitution may be made by...the decedent's successor or representative." Trudy Parrish's claim was not extinguished at her death and her action survives to and in favor of her heirs. Kan. Stat. Ann. § 60-1801. Accordingly, Plaintiff hereby moves that Trudy Parrish, as Special estate administrator, should be substituted as the proper party for the Decedent on behalf of her estate and all wrongful death beneficiaries.

CONCLUSION & PRAYER

For all of the foregoing reasons, Plaintiff requests that the Court substitute Trudy Parrish as Special administrator of the Estate of Toni Corby, as Plaintiff in this case and for such other relief as to which she may be justly entitled.

Respectfully submitted,

/s/ Eric D. Pearson

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COUNSEL FOR PLAINTIFF

CERTIFICATE OF SERVICE

A copy of the foregoing was served on all counsel via the Court's ECF system on August 29, 2023.

/s/ Eric D. Pearson
Eric D. Pearson

CERTIFICATE OF CONFERENCE

This is to certify that counsel for Plaintiff conferred with counsel for Defendants regarding all matters set forth in this Motion on August 24, 2023 and that counsel for Defendants are unopposed to the relief requested herein.

/s/ Eric D. Pearson
Eric D. Pearson